

Law, Justice, and the Holocaust:

How the Courts Failed Germany, 1933-1945





Photograph: U.S. Holocaust Memorial Museum

Chancellor Adolf Hitler and President Paul von Hindenburg.
Potsdam, Germany, 1933.



A police officer and a member of the SS on patrol. Berlin, Germany, March 5, 1933.

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Photograph: courtesy of Bundesarchiv Koblenz

"I am a Jew and
I will never again
complain to the
police."

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Members of the SA humiliate Dr. Michael Siegel, a Jewish attorney
Munich, Germany, March 10, 1933.



Dr. Erwin Bumke,
President of the German Supreme Court,
1929-1945.

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Photograph: courtesy of Ullstein Bild/The Granger Collection, NY

“I swear I will be true and obedient to the Führer of the German Reich and people, Adolf Hitler, observe the law and conscientiously fulfill the duties of my office, so help me God.”



Photograph: courtesy of Friedensbibliothek-
Antikriegsmuseum der Evangelische Kirche Berlin-
Brandenburg

“ After careful consideration I find, in good conscience, that I am not able to swear the loyalty oath to the Reich Chancellor and Führer, Adolf Hitler...”From Martin Gauger’s resignation submitted to Chief Judge of the State Court in Wuppertal on August 25, 1934.

Prosecutor Martin Gauger

After his resignation he worked as an attorney for the Confessing Church.



Photograph: courtesy of Bundesarchiv Koblenz

The Parliament Arson Trial defendant, Marinus van der Lubbe testifies before the Supreme Court in Leipzig, Germany, September 1933.

Justice Or Paragraph Dictatorship?

The Reich Law Office of the NSDAP is fighting for a new German people's law. Let's make it a fact soon: it's what we want and what the people desire.

NS- Justice Mirror
The Struggle Page for German
People's Law

New Edition for 25 Cents off the shelf

Central Publishing House of the
NSDAP, Munich 22, Thiersch Street 11.



Paragraph 1666, German Civil Code of 1931

Court measures where the welfare of the child is endangered:

“child endangerment could be proven if, under parental influence, a young person behaved (or was likely to behave) in an immoral or dishonorable fashion.”



Photograph: U.S. Holocaust Memorial Museum

Elisabeth, Hans Werner, and Paul Gerhard Kusserow at the family home in Bad Lippspringe, Germany. In 1939, the German police put them in foster homes for “reeducation.”

Courts Redefine Child Endangerment

"the task of parents is... raising their children in German customs and beliefs that morally and intellectually reveal the spirit of National Socialism."

Decision of the Karlsruhe District Court, Civil Law Chamber I, Karlsruhe v. [Franz Josef Seitz] and Willi Seitz, April 15, 1937, case no. 1 ZFH 33/37



Photograph: courtesy of Staatsarchiv Aurich

A couple is publicly humiliated for violating Nazi race taboos. Norden, Germany. July 1935.

“I am a defiler of the race.”

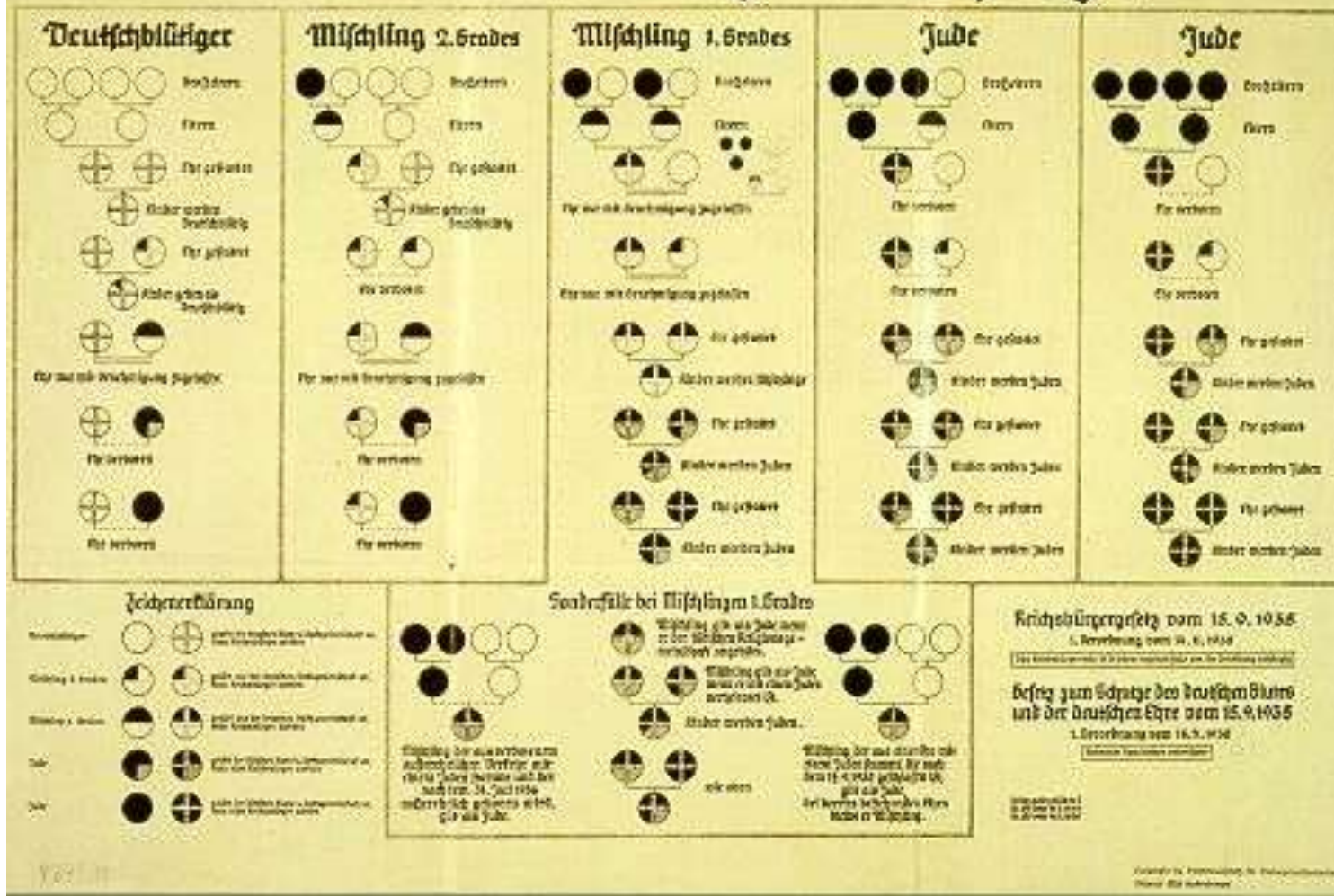
“Those actions of judges that seeks to limit the political decisions of the Führer ...are in direct opposition to the central legal conception of the National Socialist state, namely the Führer Principle”
-State Secretary Dr. Stuckart, *Deutsche Verwaltung* 12 JG 1935, p. 161



Photograph: U.S. Holocaust Memorial Museum

Wilhelm Stuckart (1902-1953), Nazi jurist responsible for the Nuremberg Laws.

Die Nürnberger Gesetze



Photograph: courtesy of Staatsarchiv Bamberg

Chart indicating the determination of Jewish racial ancestry in Nazi Germany under the Nuremberg laws.

The image is a composite of six portraits arranged in a 3x2 grid, illustrating three racial categories. Each category has three portraits: a profile view, a frontal view, and a three-quarter view.

- Nordische Rasse (Top Row):**
 - Left: Profile of a man with light hair, wearing a suit and tie.
 - Middle: Frontal view of a man with light hair and a mustache, wearing a suit and tie.
 - Right: Profile of a woman with light hair pulled back, wearing a dark top.
- Fälsche Rasse (Middle Row):**
 - Left: Profile of a man with light hair, wearing a suit and tie.
 - Middle: Frontal view of a man with light hair, wearing a suit and tie.
 - Right: Profile of a woman with light hair pulled back, wearing a dark top.
- Westische Rasse (Bottom Row):**
 - Left: Profile of a man with dark hair and a mustache, wearing a suit and tie.
 - Middle: Frontal view of a man with dark hair and a mustache, wearing a suit and tie.
 - Right: Profile of a woman with dark hair pulled back, wearing a dark top.

The Law for the Protection of German Blood and German Honor, September 15, 1935

“...purity of the German Blood is the essential condition for the continued existence of the German people...:

■ ■ ■

Article 2

Extramarital relations between Jews and subjects of the state of German or related blood is forbidden.“

Supreme Court rulings on the Law for the Protection of German Blood and German Honor:

- Any act that satisfied the sex urge violated the law
- Crime established even if the sexual act occurred abroad
- Intent was irrelevant in determining penalties.
- Just a verbal proposition for sex violated the law
- Crime did not require bodily contact



Die Rikil-Gebäude vor dem Götter-Gebäude.

204. Frey-Kunst-Werk

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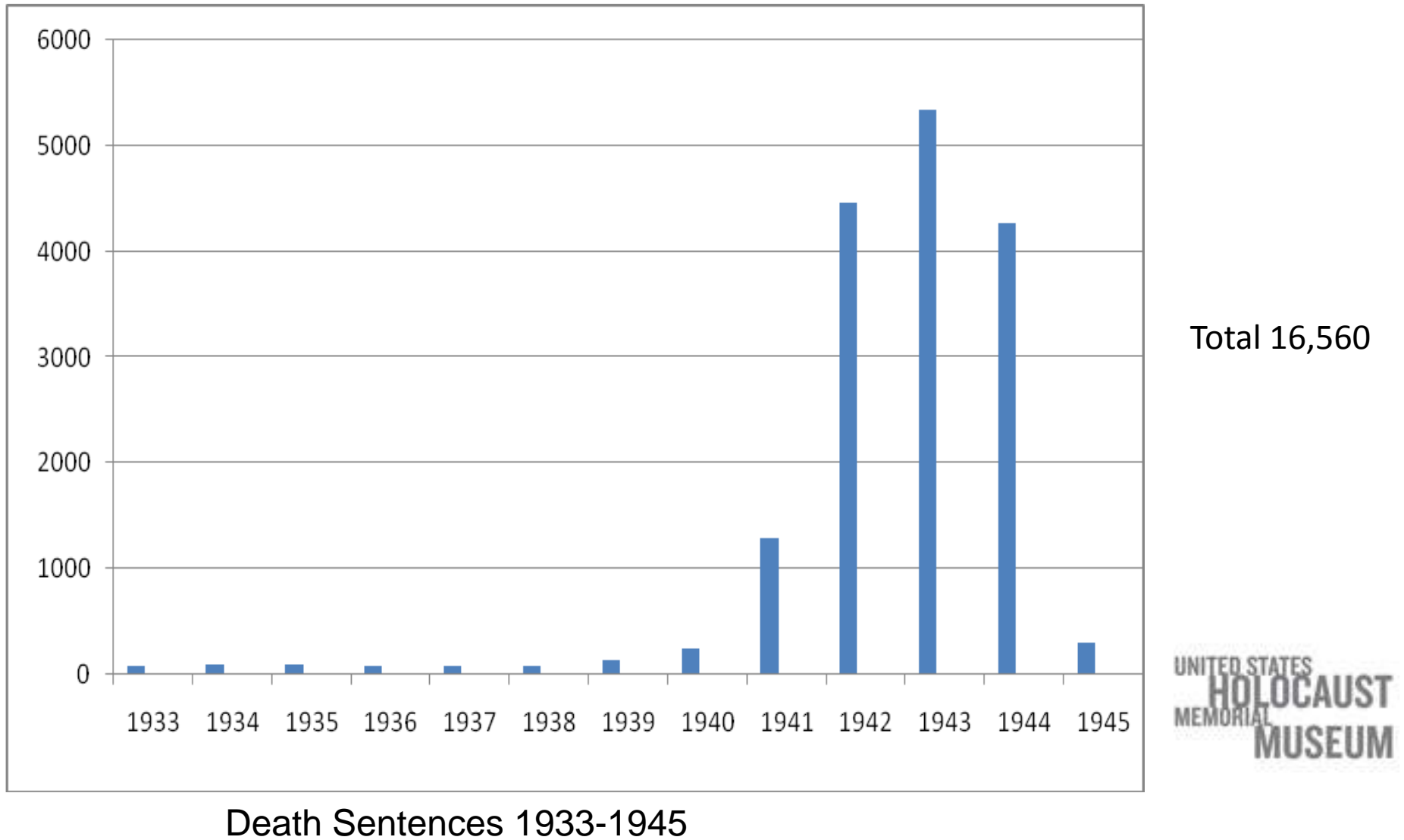


A Jewish man kneels before a mass grave during an execution of Ukrainian Jews by Einsatzgruppe D (mobile killing unit D).

Vinnitsa, Soviet Union, 1941-1943.

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Hitler: Protecting the Community at War Requires Broad Application of Death Sentences





In October 1944 Erna was 19 years old when she was found taking used clothing and jewelry from a bombed out house.

She was executed as a “Public Enemy” in November 1944.

Photograph: courtesy of Forum Justizgeschichte e.V.

DIGITAL VIDEO HERE



Photograph: courtesy of Walter Meyer

Walter Meyer

Born 1927, in the Rhineland,
Germany. Arrested: April 1943

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Photograph: U.S. Holocaust Memorial Museum

Otto Thierack Minister of
Justice, 1942 until 1945.

“...the judge is the
expert in the law, the
prosecutor speaks for
the state administration
and the lawyer speaks
on behalf of the Folk
comrade...”
Otto Thierack.



Die Marksteine der deutschen Justiz

... Verfahren und Urteil stellen wegen ihrer bisher einzig dastehenden beschleunigten Behandlung einen Markstein in der Geschichte der Strafverfolgung dar . . .

(Authentische Mitteilung des Deutschen Nachrichtenbureaus)

(Simplicus, Prag.)

The touch stones of German justice... Arbeiter-Illustrierte Zeitung. -- 1934

“The murderer’s dagger was hidden beneath the robes of the jurist.”

Judgment of the Justice case, Nuremberg Trials. December 4, 1947

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